

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 2ND MARCH 2007 / 11TH PHALGUNA 1928

WP(C).No. 26480 of 2006(B)

PETITIONER:

THE TALIPARAMBA EDUCATIONAL CO-OPERATIVE
SOCIETY LIMITED NO.C.855, REPRESENTED BY ITS
SECRETARY, TALIPARAMBA P.O., KANNUR DISTRICT.

BY ADV. SRI.M.K.DAMODARAN (SR.)
SRI.P.K.VIJAYAMOHANAN
SMT.RESMI G. NAIR

RESPONDENTS:

1. THE STATE OF KERALA REPRESENTED BY
THE SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT,
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.
2. THE KANNUR UNIVERSITY,
REPRESENTED BY ITS REGISTRAR,
KANNUR UNIVERSITY CAMPUS P.O., KANNUR.
3. THE CONTROLLER OF EXAMINATIONS,
KANNUR UNIVERSITY,
KANNUR UNIVERSITY CAMPUS P.O., KANNUR.

R1 BY G.P. SMT. R. BINDU
R2 AND R3 BY ADV. SRI.M.SASEENDRAN,SC,KANNUR UNIVERSITY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 02/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE ORDER G.O.MS. NO. 123/2005/H.EDN. DATED 17.8.2005

EXT.P2 TRUE COPY OF THE COMMUNICATION DATED 6.9.2005 OF THE PRINCIPAL OF THE COLLEGE TO THE VICE CHANCELLOR OF THE UNIVERSITY.

EXT.P3 TRUE COPY OF THE COMMUNICATION DATED 9.5.2006 FROM THE PRINCIPAL TO THE UNIVERSITY.

EXT.P4 TRUE COPY OF THE NOTE SUBMITTED TO THE STANDING COMMITTEE OF THE SYNDICATE VIDE FILE NO. ACAD/AD/713/05 DATED 19.6.2006 OF THE 2ND RESPONDENT.

EXT.P5 TRUE COPY OF THE COMMUNICATION DATED 13.7.2006

EXT.P6 TRUE COPY OF THE COMMUNICATION NO. 15/B3/2006/H.EDN. DATED 14.8.2006 OF THE FIRST RESPONDENT.

EXT.P7 TRUE COPY OF COMMUNICATION DATED 8.9.2006 FROM THE PETITIONER TO THE 2ND RESPONDENT.

EXT.P8 TRUE COPY OF THE COMMUNICATION NO. AVCAD/A2/713/05/ DATED 27.9.2006 OF THE 2ND RESPONDENT ADDRESSED TO THE FIRST RESPONDENT.

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 26480 OF 2006

Dated this the 2nd day of March, 2007

JUDGMENT

Petitioner is an existing college affiliated to second respondent-University. During 2005-06petitioner applied for affiliation of two post-graduate courses, one in M.A. (English) and the other in M.Sc. (Physics). University did not grant affiliation on account of Govt.'s refusal to issue NOC. Petitioner's case is that Government has no role in the matter because affiliation is only to be granted by the University and petitioner is a self-financing college where Government has no financial commitment. Government Pleader on the other hand contended that Government is free to decide policy matters on education which includes NOC for opening up of new institutions and new courses in existing institutions. In any case it is conceded that Government has not taken any policy decision. It is not even stated whether in a place like Taliparamba there is facility to study M.Sc. (Physics) in any other college. Counsel for the petitioner submitted that 15 eligible students have already joined M.Sc.(Physics) in the

petitioner's college. I do not find any justification for the Government to oppose the course commenced for 15 students who have already joined the course. So far as M.A. (English) is concerned, petitioner has not started the course. In the circumstances, pending finalisation of Government decision on policy matters on education, there will be direction to the second respondent-University to grant affiliation for M.Sc. (Physics) course in the petitioner's college if the college is otherwise eligible inasmuch as it has required infra-structural and instructional facilities.

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge

